

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ALEXANDRU RADULESCU,

Defendant.

19-cr-651 (SHS)

CORRECTED ORDER

SIDNEY H. STEIN, U.S. District Judge.

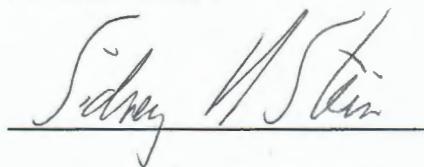
The Court has received defendant's *pro se* motion seeking modification of his sentence pursuant to 18 U.S.C. § 3582 (ECF No. 1498) and his request for an indicative ruling pursuant to Fed. R. Crim. P. 37(a) (ECF No. 1506). Because defendant's direct appeal from his judgment is currently pending (ECF No. 1349), the Court lacks jurisdiction over his motion. *See, e.g., United States v. Larkin*, No. 19-CR-833, 2022 WL 1154313, at *1 (S.D.N.Y. Apr. 19, 2022) ("District courts in this Circuit have uniformly found that they lack jurisdiction to consider a defendant's motion for compassionate release while an appeal from the defendant's conviction was pending." (collecting cases)).

Accordingly, the Court defers consideration of defendant's motion pursuant to Fed. R. Crim. P. 37(a)(1).

Dated: New York, New York

February 20, 2024

SO ORDERED:



Sidney H. Stein, U.S.D.J.